

ORDINANCE NO. 1768

AN ORDINANCE AUTHORIZING TAX EXEMPTIONS FOR PROPERTY TAX ON CERTAIN DETERIORATING COMMERCIAL, INDUSTRIAL, RETAIL OR OTHER BUSINESS PROPERTY WITHIN THE TOWNSHIP OF ABINGTON.

WHEREAS, the General Assembly of Pennsylvania passed Act 76 of 1977 (72 P.S. 4722 et seq) known as the Local Economic Revitalization Tax Assistance Law (LERTA), which authorized local taxing authorities to provide tax exemptions for certain deteriorated commercial, industrial and other business property; and

WHEREAS, the Commissioners of Abington Township, in accordance with said Act, held a public hearing to determine the boundaries of said deteriorating areas; and

WHEREAS, at said public hearing, the Abington School District, the County of Montgomery and other agencies and individuals presented to the Board of Commissioners their recommendations concerning the location of properties which may qualify for this provision.

NOW THEREFORE, be it Ordained and Enacted by the Commissioners of Abington Township, an Ordinance as follows:

SECTION 1. Definitions: As used in this Ordinance, the following words and phrases shall have the meaning set forth below:

- (a) **"Deteriorating property"** means any, commercial, industrial, retail or other non-residential business property owned by an individual, association or corporation and located in areas as hereinafter provided, or any such property which has been the subject of an order by Abington Township requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinances or regulations, within the Township of Abington.
- (b) **"Improvement"** means repair, construction or reconstruction, including alterations or additions, having the effect of rehabilitating a deteriorated property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity, or is brought into compliance with laws, ordinances or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an improvement. For purposes of this Ordinance, repair or construction of buildings containing a majority of apartment units shall not constitute an improvement eligible for a real estate tax exemption under provisions of this Ordinance.

- (c) **"Local Taxing Authority"** means the Abington School District and the Township of Abington.

SECTION II. Exempted Areas

By this Ordinance, the Abington Township Board of Commissioners designates all commercial, industrial, retail or local business properties located within the following areas as deteriorating in accordance with the Plan attached as Exhibit A, to be eligible to participate in the provisions of this Ordinance:

1. The Keswick Planning District
2. The Mc Kinley Planning District
3. The North Hills Planning District
4. The Old York Road Planning District
5. The Roslyn Planning District
6. The Town Center Planning District

SECTION III. Exempted Amount

- (a) The amount to be exempted shall be limited to additional assessment valuation attributable to the actual costs of improvements to deteriorated property.
- (b) The exemption shall be limited to the improvement for which an exemption has been requested in the manner set forth below and for which a separate assessment has been made by the Board of Assessment.

SECTION IV. Exemption Schedule

The exemption period shall run for five years, and shall commence with the issuance of an occupancy permit or final inspection for the applicable improvement, according to the following schedule:

- | | | |
|-----|-------------|--------|
| (a) | First year | - 100% |
| (b) | Second year | - 100% |
| (c) | Third year | - 75% |

- (d) Fourth year - 50%
- (e) Fifth year - 25%
- (f) The exemption from taxes granted under this Ordinance shall be upon the property and shall not terminate upon the sale or exchange of the property.

SECTION V. Conditions of Exemption

A property participating in this tax exemption provision shall be subject to the following conditions of exemption:

- (a) The tax valuation of the property established by the Board of Assessment prior to this provision shall remain free from assessment appeal for a two year period preceding the exemption period, during the exemption period, and for three years following the abatement period.
- (b) The tax exemption status does not become applicable until a Building permit shall be issued for the qualifying improvement.
- (c) Building permits issued to qualifying property prior to the adoption of this Ordinance shall not be applicable to this provision.

SECTION VI. Notice to Taxpayers

- (a) There shall be attached to the application forms for building, zoning and occupancy permits the following:

Notice to Taxpayers

Under the provisions of Ordinance No. 1768, you may be entitled to a property tax exemption on your contemplated alteration or new construction. An Application for exemption may be secured from the Office of Economic Development, and must be filed with same at the time a building or alteration permit is secured.

- (b) At the time a building or alteration permit is secured for the construction of an improvement for which an exemption is requested, the taxpayer shall apply to the Office of Economic Development for the exemption provided for in this Ordinance. Requests for the exemption must be made in writing on application forms as prescribed by the Township of Abington, setting forth the following information:

- (1) The date the building permit or alteration permit was issued for said improvements.
- (2) The type of improvement.
- (3) The summary of the plan of the improvement.
- (4) The cost of the improvement.
- (5) Any or all such additional information required.

SECTION VI. Procedure for Obtaining Exemption

A copy of the Request for Exemption shall be forwarded by the Office of Economic Development to the Montgomery County Board of Assessment. Upon completion of the improvement or new construction, the taxpayer shall notify the Township Economic Development Office and the Montgomery County Board of Assessment so that the Board of Assessment can establish a separate assessment for the qualifying improvements for the purpose of calculating the amount of assessment eligible for the tax exemption in accordance with the limits established in this Ordinance. The County Board of Assessment will then set the amount of assessment eligible for exemption, record the same on its assessment rolls and notify the taxpayer of the assessment eligible for exemption. Appeals from the assessment and the amount eligible for the exemption may be taken by the taxpayer or the Township of Abington as provided by law.

SECTION VII. Termination/Continuance

- (a) Unless otherwise repealed by Board of Commissioners of the Township of Abington, this Ordinance shall terminate two years after the adoption date.
- (b) Any property tax exemptions granted under the provisions of this Ordinance shall be permitted to continue according to the exemption schedule, even if this Ordinance expires or is repealed.
- (c) This Ordinance may be renewed and/or expanded after the termination date, by joint resolutions of the Board of Directors of the Abington School District and the Board of Commissioners of Abington Township, describing the renewal and/or expansion terms.

SECTION VIII. Severability

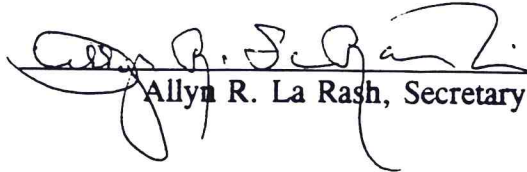
The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses or sentences.

SECTION IX. Effective Date

This Ordinance shall become effective immediately.

ORDAINED and ENACTED by the Township of Abington, this 10th day of October 1996.


Barbara C. Ferrara. President


Allyn R. La Rash, Secretary

Attest:

John t. Acton, Esq.